NOTE – This is a courtesy outline version of the draft proposed regulations for COMAR 26.10 dated October 18, 2021. The full version of the draft proposed regulations can be downloaded by clicking on the following link:

 $\underline{https://mde.maryland.gov/programs/Regulations/HB1124/Documents/Land/COMAR\%2026.10\%20Pollution\%20Control\%20and\%20Storage\%20Tank\%20Managment.pdf$ 

# Title 26

# DEPARTMENT OF THE ENVIRONMENT

# Subtitle 10 OIL POLLUTION CONTROL AND STORAGE TANK MANAGEMENT

#### 26.10.01 Oil Pollution Control

Authority: Environment Article, §§1-101, 4-401, 4-402, 4-405, 4-407—4-412, 4-415—4-420, and 7-201 et seq.; State Government Article, §§10-206 and 10-226; Annotated Code of Maryland

- .01 Scope and Applicability.
- .02 Definitions.
- .03 Incorporation by Reference.
- .04 General Provisions and Specifically Prohibited Acts.
- .05 Reporting an Oil Spill, Release, or Discharge.
- .06 Removal of an Oil Spill, Release, or Discharge.
- .07 Site Status Letters.
- .08 Oil Transfer License.
- .09 Oil Operations Permits.
- .10 Registration of AST Systems.
- .11 Requirements for the Application and Issuance of an Individual Oil Operations Permit.
- .12 Conditions for the Denial, Suspension, Revocation, and Modification of an Oil Transfer License or Oil Operations Permit.
- .13 Residential Heating Oil Tanks.
- .14 Marinas.
- .15 Solidification of Oil Waste Materials.
- .16 Requirements for Oil Delivery by Truck Tanks and Transports.
- .17 Requirements for Drivers of Truck Tanks and Transports.
- .18 Requirements for Oil Transfers at Facilities.
- .19 Right to Information and Facility Access.
- .20 Requirements for Motor Fuel Dispensing Facilities.
- .21 Requirements for Marine Oil Facilities.
- .22 Requirements for Tank Vessels.
- .23 Bonding Requirements for Tank Vessels.
- .24 Violations.

# 26.10.02 Underground Storage Tank Systems

Authority: Environment Article, §§4-401, 4-402, 4-405, 4-407—4-412, 4-415—4-419, 4-701 et seq., and 7-201 et seq.; State Government Article, §§10-206 and 10-226; Annotated Code of Maryland

- .01 Applicability.
- .02 Definitions.
- .03 General Provisions for UST Systems.
- .04 General UST System Permit by Rule.
- .05 Violations and Hearing Rights.

# 26.10.03 UST Systems: Design, Construction, Installation, Registration, and Inspection

- .01 Performance Standards for New or Replacement UST Systems.
- .02 Performance Standards for Piping.
- .03 Spill and Overfill Prevention Equipment.
- .04 UST System Installation Standards.
- .05 Precision Tightness Testing.
- .06 Piping Installation.
- .07 Compatibility.
- .08 Upgrading Existing UST Systems.
- .09 UST System Registration Requirements.
- .10 UST System Inspection Requirements.

### 26.10.04 UST Systems: General Operating Requirements

- .01 Spill and Overfill Control.
- .02 Operation and Maintenance of Corrosion Protection.
- .03 Periodic Operation and Maintenance Walkthrough Inspections.
- .04 Repairs Allowed.
- .05 Access, Reporting, and Recordkeeping.

### 26.10.05 UST Systems: Release Detection

- .01 Release Detection: General Requirements for All UST Systems.
- .02 Requirements for UST Systems.
- .03 Requirements for Hazardous Substance UST Systems.
- .04 Inventory Control.
- .05 Method of Release Detection.
- .06 Release Detection Recordkeeping.

### 26.10.06. UST System Technician, Remover, and Inspector Certification

Authority: Environment Article, §§4-401, 4-402, 4-405, 4-407—4-411.2, 4-415.1, 4-417, 4-701 et seq., and 7-201 et seq.; State Government Article, §§10-206 and 10-226; Annotated Code of Maryland

- .01 General.
- .02 Initial Certification Requirements.
- .03 Application and Testing.
- .04 Certification Renewal Requirements.
- .05 Reciprocity Certification.
- .06 Standards of Performance.
- .07 Conflict of Interest.
- .08 Denial, Suspension, or Revocation.
- .09 Sanctions.

### 26.10.07 High Risk Oil Storage Facilities

- .01 Scope.
- .02 Definitions.
- .03 New Gasoline UST System.
- .04 Existing Gasoline UST System.
- .05 Analytical Testing Methods New or Existing Gasoline UST Systems.
- .06 Detection of Levels of Concern.
- .07 High Risk Underground Oil Storage Facility.
- .08 Recordkeeping.

### 26.10.08 Spill, Release, and Discharge Reporting, Investigation, and Confirmation

Authority: Environment Article, §§4-401, 4-402, 4-405, 4-407, 4-408, 4-410—4-411.1, 4-417, and 7-201 et seq., Annotated Code of Maryland

- .01 Reporting of Suspected Spills, Releases, and Discharges.
- .02 Investigation Due to Off-Site Impacts.
- .03 Investigation and Confirmation Steps.
- .04 Reporting and Remediating Spills, Releases, Discharges, and Overfills.

### 26.10.09 Spill, Release, and Discharge Response and Corrective Action

Authority: Environment Article, §§4-401, 4-402, 4-405, 4-405, 4-408, 4-410, 4-411, 4-417, and 7-201 et seq., Annotated Code of Maryland

- .01 General.
- .02 Initial Response.
- .03 Initial Abatement Measures and Site Check.
- .04 Initial Site Characterization.
- .05 Free Product Removal.
- .06 Investigations of Soil and Groundwater.
- .07 Corrective Action Plan.
- .08 Public Participation.

# 26.10.10 Out-of-Service UST Systems and Closure

Authority: Environment Article, 4-402, 4-405, 4-407, 4-408, 4-410, 4-411, 4-411.1, 4-417, and 7-201 et seq., Annotated Code of Maryland

- .01 Temporary Closure.
- .02 Permanent Closure and Changes-in-Service.
- .03 Assessing the Site at Closure or Change-in-Service.
- .04 Applicability to Previously Closed UST Systems.
- .05 Closure Records.

# 26.10.11 UST Financial Responsibility

- .01. General.
- .02 Incorporation by Reference.
- .03 Additional Mechanism for Local Governments to Demonstrate Financial Responsibility.
- .04 Reporting Requirements.

# 26.10.12 UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems

- .01 General Requirements.
- .02 Exception to Piping Secondary Containment Requirements.
- .03. Upgrade Requirements.
- .04. Walkthrough Inspections.
- .05 Release Detection.
- .06 Applicability of Closure Requirements to Previously Closed UST Systems.
- .07 Access, Reporting, and Recordkeeping.

#### 26.10.13 Oil-Contaminated Soil

Authority: Environment Article, §§4-401, 4-402, 4-405, 4-407—4-411, and 4-415—4-418, Annotated Code of Maryland

- .01 Scope.
- .02 Definitions.
- .03 Permits, Approvals, and Prohibitions.
- .04 Permit Application Requirements.
- .05 Informational Meeting.
- .06 Permit and Operational Requirements.
- .07 Storage Requirements.
- .08 Acceptance Requirements.
- .09 Refusal Criteria.
- .10 Post-Treatment Requirements.
- .11 Quality Control, Sample Collection, and Analysis.
- .12 Use of Post-Treatment Soils.
- .13 Closure Requirements.
- .14 Right of Entry.
- .15 Denial, Suspension, Revocation, and Modification of an Individual Oil Operations Permit.
- .16 Oil-Contaminated Soil Treatment Pilot Project.

### 26.10.14 Residential Heating Oil Tank System Site Rehabilitation Reimbursement Program

- .01 Scope.
- .02 Exclusions.
- .03 Definitions.
- .04 Reimbursement Process.
- .05 Site Rehabilitation Costs.
- .06 Application Requirements.
- .07 Application Approval.
- .08 Reimbursement Limits and Deductibles.
- .09 Reimbursement Allocations and Payments.
- .10 Auditing.

# 26.10.15 Management of Used Oil

Authority: Environment Article, §§4-402, 4-405, and 4-410, Annotated Code of Maryland

- .01 Scope.
- .02 Incorporation by Reference.
- .03 Disposal of Used Oil.
- .04 Management of Used Oil.
- .05 Analytical Requirements.
- .06 Recordkeeping and Reports.
- .07 Closure Requirements.

### 26.10.16 Trained Facility Operators

- .01 Scope.
- .02 Definitions.
- .03 Implementation.
- .04 Requirements for Designated Operators.
- .05 Requirements for Operator Training.
- .06 Training Programs.
- .07 Certification.
- .08 Sanctions.
- .09 Recordkeeping.

#### 26.10.17 Shop-Fabricated Aboveground Storage Tanks

Authority: Environment Article, §§4-401—4-403, 4-405, 4-406, 4-408, 4-410—4-412, 4-415.1—4-418, 4-501, and 4-502, Annotated Code of Maryland

- .01 Scope.
- .02 Definitions.
- .03 General Requirements.
- .04 Performance Standards for Vaulted Shop-Fabricated ASTs.
- .05 Performance Standards for AST Systems with a Shop-Fabricated AST.
- .06 Performance Standards for Piping.
- .07 Secondary Containment.
- .08 Spill and Overfill Prevention.
- .09 Release Detection.
- .10 Corrosion Protection.
- .11 Normal and Emergency Venting.
- .12 Inspection Requirements for an AST System.
- .13 Out-of-Service and Permanent Closure.
- .14 Recordkeeping.

### 26.10.18 Field-Erected Aboveground Storage Tanks

Authority: Environment Article, §§4-401—4-403, 4-405, 4-406, 4-406, 4-408, 4-410, 4-411, 4-412, 4-415.1—4-418, 4-501, and 4-502, Annotated Code of Maryland

- .01 Scope.
- .02 Definitions.
- .03 General Requirements.
- .04 Performance Standards for a Field-Erected AST System.
- .05 Performance Standards for Piping.
- .06 Secondary Containment.
- .07 Spill and Overfill Prevention.
- .08 Release Detection.
- .09 Corrosion Protection.
- .10 Normal and Emergency Venting.
- .11 Inspection Requirements for an AST System.
- .12 Out-of-Service and Permanent Closure.
- .13 Recordkeeping.